

PETITION

OF

CHARLES DEHAULT DELASSUS,

PRAYING

*The repayment of a sum of money forcibly taken from him, for public service, at the capture of Baton Rouge, in 1810.*

APRIL 24, 1838.

Referred, with bill S. 315, to the Committee on Foreign Relations, and ordered to be printed.

[TRANSLATION.]

*To the Senate and House of Representatives in Congress assembled :*

Petition of Charles Dehault Delassus, last Governor of the King of Spain at Baton Rouge, now a citizen of the United States, residing in New Orleans,

RESPECTFULLY SHOWS :

That, by an act of your honorable body, approved the 2d July, 1836, of which a copy is here annexed, there has been allowed the interest on a sum of \$1,333, (previously allowed him,) to him due, and so reclaimed, as appears by his petition of the month of May, of which a copy is hereunto added.

That the interest being but a part of the reclamation mentioned in said petition, he is constrained to prefer it again, and for the 6,000 dollars in bags, to which he has the clearest right.

In consequence, your petitioner reclaims of your justice that you have the goodness to examine his petition of the month of May, 1833, for what concerns his rights in the said 6,000 dollars, and that you will please to grant him by law this sum, with the interest since the year 1810, the time at which the fort and district of Baton Rouge were taken, as was done in the sum allowed by the law of July 2, 1836, on account of the different sums taken.

CHARLES DEHAULT DELASSUS.

NEW ORLEANS, *February, 1838.*

Blair & Rives, printers.

*To the Senate and House of Representatives of the United States of America in Congress assembled :*

The petition of Charles Debault Delassus, late Governor of Spain at Baton Rouge, and now a citizen of the United States of America, living in New Orleans,

RESPECTFULLY SHOWETH :

That some years ago he presented a petition to your honorable body, accompanied by authentic documents, proving the truth of the facts therein alleged, and informing your honorable body that when the fort and district of Baton Rouge were taken for the United States, in the year 1810, certain sums of money, which were placed there, were seized by those who made the assault.

That a part of this money, that is to say, the sum of \$1,330, was the personal property of your petitioner, and was taken from his desk.

That there was also in the military chest \$6,000, in bags, not opened, then recently sent by the intendant of Pensacola, to pay the persons employed in the King's service at Baton Rouge, from which money your petitioner had the right to take the sum of \$1,860, for pay and rations, and that the remainder was due to other persons; which facts and the proofs in support of them are found in the former petition, of which a copy is here annexed.

Your petitioner respectfully showeth, that the sum of \$1,333, taken from his desk, has been restored to him by virtue of an act of Congress, passed in the month of July, 1832, which sum was received by him, in consequence of the advice of his friends, *in account* and as a part of the sum really due, without prejudice to his right to the interest on the said sum of \$1,333, from the period it was taken from him until the time it was paid, and also without prejudice to his demand for \$1,860, due for his pay and rations, in the military chest, together with interest on that sum.

In consequence, your petitioner respectfully asks your honorable body to pass a law in his favor, ordering that there should be paid to him, first, interest on the sum of \$1,333, as already stated; second, the capital of the sum of \$1,860, due for his pay and rations, as well as the interest on said sum; third, the balance of the sum of \$6,000, taken in the military chest, of which your petitioner was the guardian, and which, if received by him, he can pay to the persons to whom it was due, or to their representatives.

Your petitioner does not venture to argue his cause before your honorable body. He believes that a simple narration of the facts should suffice; and, besides the exposition of those facts contained in the first petition, he has the satisfaction to be able to refer to the personal knowledge of one of the members of the House of Representatives, General Philemon Thomas, who commanded the forces which carried the fort, and who will, no doubt, establish all the facts on the floor of Congress, as a member from Louisiana.

Believing, therefore, that it is not necessary to debate a simple question of justice, which rests on facts undenied and undeniable, your petitioner conceives that it is still less necessary, before an *American Congress*, to support it by considerations unconnected with the strict right on which it is bottomed. If it were otherwise, your petitioner might flatter himself that a

detail of the events of his life could not be read without inspiring a lively interest. He was the last Governor of Spain in Upper Louisiana, and its last Governor at Baton Rouge; and, after having filled these offices, and occupying the rank of Colonel in the regular armies of Spain, he resigned his commission and became an American citizen. His fortune is humble, and he now lives with his sister, the widow of the late Governor Derbigny. He is advanced in life, and he has a son an American citizen. The money which he now asks the payment of, is not to gratify luxurious tastes, but to provide for his subsistence and for that of persons who are dear to him.

CHARLES DEHAULT DELASSUS,  
*Former Governor of Baton Rouge.*

NEW ORLEANS, May 27, 1833.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The petition of Charles Dehault Delassus, of St. Louis, State of Missouri,

RESPECTFULLY SHOWETH:

That your petitioner, on and previous to the 23d day of September, 1810, was Governor, for the King of Spain, of the fort and district of Baton Rouge, on the river Mississippi; that, on the said twenty-third day of September, 1810, the inhabitants of Bayou Sarah, in combination with certain of those of the parish of Baton Rouge, rose in insurrection against the Spanish Government, and surprised and took possession of the said fort in the name of the United States of America. That, in the attack on said fort, your petitioner having been overpowered and disarmed, was obliged to surrender, and remained a close prisoner from said 23d day of September, 1810, until the beginning of December following. That, immediately after your petitioner was taken prisoner, he was committed to the guard-house of the fort, and a detachment took possession of your petitioner's house, and the property therein contained. That, in your petitioner's said house was deposited the military chest containing the sum of six thousand dollars in silver, sent to your petitioner by the Intendant at Pensacola, for the purpose of paying the sums due by the Spanish Government to your petitioner, and to the other persons in its employment, under the command of your petitioner. That said chest, and the said sum of money, were, by order of General Thomas, who appeared to command the insurrection, carried away from your petitioner's house, and the said sum appropriated to the purposes of the provisional government then established. That, at the same time, a bureau, belonging to your petitioner, was seized by order of said General, and the sum of \$1,333, part of the money contained therein, was applied, by order of said Government, to its purposes. That said \$1,333 were the private property of your petitioner, and that he has not been reimbursed any part of it. That, at the time of said capture, there was due to your petitioner a sum of \$1,260 1 dime 12 mills, for pay, by the Spanish Government. That there was also due to your petitioner, for lodging money, or rent of his house, as Governor, upwards of \$600, at the rate of \$30 per month, during one year

eight months and seven days. That said sums, so due for pay and lodging money, were payable to your petitioner out of said \$6,000, and that your petitioner had a lien upon said \$6,000 to the amount so due to him, and would have deducted the same therefrom as his private property, had not the chest and its contents been seized upon by the Insurgent Government.

In proof of the above facts, your petitioner refers :

1st. To the certificates and official accounts signed by Don Gilberto Leonard, Minister of the Royal Treasury at Baton Rouge, the originals of which, in the Spanish language, with an English translation, are hereto annexed.

2d. To the letter of Charles Tanneret, of Baton Rouge, dated 10th December, 1810, addressed to your petitioner, stating the seizure of the military chest and its contents, and also of your petitioner's bureau, and the appropriation of your petitioner's \$1,333, therein contained.

Upon these facts and proofs your petitioner conceives that he might well rest his claim to re-payment, by the United States, of the sums of money hereinbefore stated as belonging to your petitioner, and applied forcibly to public purposes. Your petitioner, however, if necessary, can furnish other evidence, both written and oral ; he therefore prays that his case may be taken into consideration by your honorable body, and that a law may be passed to appropriate such funds of the United States as shall be expedient to the payment of said three principal sums so due to your petitioner, with interest thereon, at the legal rate, from the 23d September, 1810. And your petitioner will ever pray.

CHARLES DEHAULT DELASSUS.

DECEMBER 10, 1810.

SIR : I received your letter yesterday, Sunday, and shall execute, as far and as well as is in my power, your instructions. In the first place, I have withdrawn from the fort your bureau, 2 carabines, 1 poniard. The pair of pistols is in the hands of Capt. Griffith, of Bayou Sarah, who is here, and who tells me that he will deliver them up before his departure. Your double barrel gun is in the hands of Jos. E. Johnson, who is here, and who told me that he would hold it subject to my order. For my satisfaction, I went to the fort with your friend Maxent, and we did not find the money. This led to an explanation with the authorities, and I discovered that, by order of the Convention, Mr. Hicky had taken from your bureau \$1,333. He will give you a certificate thereof, and I think that the American Government will reimburse you. Mr. Hicky also told me that he found eighteen louis d'or ; that he has kept them, thinking that you wish to reserve them. They are at your order, in his possession. I have seen Mr. Winthrop, who had an order from the Assembly to deliver me up the keys ; but it was desired that Mr. Casas, who was present when the seals were placed, should be present also at the opening. I hope that we shall meet this morning, and that I shall have the keys. I shall deposit in my house all the effects that you wish which remain here, so that it



would be well to let me know positively those you wish for. I hope that I shall have the time to pay you a visit on the other side before your departure.

I salute you cordially.

CHAS. TANNERET.

To Mr. CHARLES DEHAULT DELASSUS.

*Translation of document No. 1.*

Statement made by the former Minister of Royal Finance at Baton Rouge, showing the allowance which should be made to M. le Colonel Don Charles Dehault Delassus, Governor ad interim of said fort, of half the amount of pay enjoyed by his predecessor, the late Don Carlos de Grandpré, from the 27th December, inclusive, 1808, the time when Colonel Delassus took charge of the command of said fort, until the 23d September, 1810, when it was taken by the insurgents from Bayou Sarah.

The said Colonel Don Carlos de Grandpré enjoyed a pay of two thousand piastres per annum, and five hundred of gratification	2,500
Deduction made of sixty piastres, per month, which Colonel Delassus enjoyed in the regiment of Infantry of Louisiana	720
	<u>1,780</u>

He is entitled to the half of this sum as Governor ad interim (interino) for the time above specified, being one year eight months and seven days - 1,549.6.22

*Charges.*

For the invalids	45.3.20
Monte pio militaire	44.1.24
Received from the storekeeper, Don Eulogio de Casas, on the 17th April, 1809	200
	<u>289.5.10</u>
Balance in favor of Mr. Charles Delassus	<u>1,260.1.12</u>

GILBERTO LEONARD.

BATON ROUGE, August 16, 1814.

Don Gilberto Leonard, treasurer of the army, Minister of the Royal Finances, and Commissary at War of the fort and district of Baton Rouge, in the time of the Spanish Government:

I certify that Don Charles Delassus, colonel attached to the regiment of Louisiana, was Governor ad interim (interino) of said fort; that there is due to him by the Royal Treasury the sum of ten thousand eighty-one reals twelve maravedis, for one-half the difference between his pay and the emoluments which his predecessor, the deceased Don Charles de Grandpré, enjoyed, reckoning from the 27th December, inclusive, 1808, when he took

upon him the said command, to the 23d, inclusive, September, 1810, when he was taken by the insurgents of Bayou Sarah, as it is proved by the statement hereto annexed; and in order that it may so appear on the demand of the party interested, I have given these presents, at Baton Rouge, the 16th August, 1814.

GILBERTO LEONARD.

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*Translation of No. 2.*

Don Gilberto Leonard, treasurer of the army and Minister of the Royal Finances, Commissary at War of the fort and district of Baton Rouge, in the time of the Spanish Government:

I certify that, by virtue of an order of the King, there was paid, by the Royal Treasury, thirty dollars, monthly, to the Governor of Baton Rouge, for the rent of the house in which he lived, and that this allowance was taken, and to be taken, out of the funds sent from Pensacola to Baton Rouge for the payment of the persons in the employment of the Government, and other expenses of the royal service; and in order that this may so appear, on the demand of the Governor, Don Charles Dehault Delassus, I give these presents, at Baton Rouge, the 16th August, 1814.

GILBERTO LEONARD.

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*Translation of No. 3.*

Don Gilberto Leonard, treasurer of the army, Minister of the Finances of the King, and Commissary at War of the fort and district of Baton Rouge, under the Spanish Government:

I certify that, in the night of the 22d to the 23d of September, 1810, immediately after the insurgents of Bayou Sarah, or of Nouvelle Feliciana, had taken the fort, they sent a detachment which took possession of the house where the Colonel Governor, Don Carlos Delassus, resided, and also of the chest, with three keys, which was in said house, and in which there was a sum of six thousand hard dollars, sent by the Intendant of Pensacola to pay the amount due the persons employed by the Government; the rent of the Governor's house; the contractor for flesh, meat, and subsistence for the hospital; and, in order that this may appear, on the demand of the said Charles Delassus, I give this present certificate, at Baton Rouge, the 16th August, 1814.

GILBERTO LEONARD.

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I, Marie Philippe Leduc, of St. Louis, State of Missouri, do hereby certify that Gilberto Leonard was, on the 23d day of September, 1810, and previous thereto, Minister of the Royal Treasury at Baton Rouge, under the Government of the King of Spain, and that the documents numbered one, two, and three, in the Spanish language, annexed to a certain petition to the Congress of the United States, by Charles Dehault Delassus, are in the

handwriting of said Gilberto Leonard, and signed by him; and I do further certify, that, in order to identify said documents, I have signed my name in the margin of each of them.

M. P. LEDUC.

The above was subscribed and sworn to before me, a justice of the peace within and for the county of St. Louis, and State of Missouri, this 25th day of November, 1820.

JOHN S. BALL, J. P.

STATE OF LOUISIANA, }  
Parish of East Baton Rouge. }

Before me, Charles Tessier, judge of the parish aforesaid, came and appeared Philip Hicky, Esq., of this parish, and being duly sworn, deposeth and saith: That, at the time when the convention of Florida took possession of Baton Rouge, in the month of October, 1810, a sum of thirteen hundred and thirty-three dollars was taken out of the desk of Mr. Delassus, the then Governor of Baton Rouge, by order of the said convention; that the said deponent has since given to Reuben Kemper the proper vouchers to claim the said amount of money, part of which this deponent supposes to belong to the heirs of Rafray.

PHILIP HICKY.

Sworn to, before me, this 12th of December, 1820.

CH. TESSIER, P. J.

Charles Dehault Delassus, formerly Lieutenant Governor of Upper Louisiana and Governor of Baton Rouge, in the above deposition of Philip Hicky mentioned, maketh oath and saith: That the sum of thirteen hundred and thirty-three dollars, taken out of this deponent's desk, as in the above deposition stated, belonged exclusively to this deponent, and that no part of it belonged to the heirs of Rafray, nor had said heirs, or any other person, any claim upon said sum: that the said sum was part of the proceeds of the sale of certain property belonging to this deponent in Pensacola, and shortly before the insurrection at Baton Rouge remitted to this deponent by his agent; that, besides the said sum, there was also taken from the military chest a sum of twelve hundred and sixty dollars one real and twelve maravedis, belonging to this deponent, as due to him for arrears of pay from the Spanish Government, and which sums were applied, with the balance in said chest, to the purpose of the new Government established at Baton Rouge; and further, that this deponent has never received any part of said sums of money, nor has he ever authorized Reuben Kemper, in the above deposition mentioned, or any other person, to apply for, or receive payment of said sum, before the petition to which this deposition is annexed was presented to the Congress of the United States; and this deponent saith that it was from mere ignorance of, and inattention to his rights, as regarded the

United States, that he has so long delayed to assert his claim as now brought forward.

CHS. DEHAULT DELASSUS.

DISTRICT OF MISSOURI :

Sworn to, and subscribed, before me, at St. Louis, this 4th day of October, 1824.

JAMES H. PECK,

*Judge of the U. S. for the Missouri  
District, with his official seal.*

STATE OF LOUISIANA, }  
*Parish of East Baton Rouge.* }

Before me, Charles Tessier, judge of the parish aforesaid, personally came and appeared Francis Herault and Bartholomew T. Beauregard, who, being duly sworn, did depose and say: That, to their perfect knowledge, Don Gilberto Leonard, late of this parish, came up to Baton Rouge at the time when the Spanish Government removed from New Orleans to this place, and that, from that time until the year 1810, when the Americans took possession of Baton Rouge, said G. Leonard was employed, by said Spanish Government, in the capacity of *Contador*, head or chief of the Treasury Department.

FRANCIS HERAULT,  
B. T. BEAUREGARD.

Sworn to, before me, December 15, 1820.

CH. TESSIER, P. J.

TREASURY DEPARTMENT,  
*December 30, 1824.*

SIR : I transmit, herewith, a copy of a report of the Third Auditor on the petition of William Johnson, enclosed in your letter to me of the 28th instant, which furnishes all the information in relation to it in this Department. The petition and the accompanying papers are enclosed herewith.

In relation to the petition of Mr. Delassus, herewith returned, I have to remark, that, on a careful examination, it does not appear that there is any information concerning it in this department. It is, however, probable that, as the transactions complained of occurred under the revolutionary Government in Florida, some information respecting it may be obtained in the State Department.

I have the honor to be

Your obedient servant,

J. C. CALHOUN.

HON. BENJ. RUGGLES,

*Chairmnn Committee of Claims, Senate.*



NEW ORLEANS, *February 17, 1826.*

DEAR SIR : You have been so good as to promise to interest yourself in favor of the claim of Mr. Delassus, whose money was taken possession of by the convention of Florida, when the revolution broke out at Baton Rouge, in 1810. He has hitherto made vain efforts to obtain the reimbursement of it from the Government of the United States, partly, I suppose, for want of sufficient evidence. I have the pleasure to forward to you, here enclosed, the affidavit of General Philemon Thomas, who then commanded the troops of the convention. This, added to the testimony already forwarded, and which is, I believe, in the hands of Mr. Benton, from the State of Missouri, will, I hope, prove, at last, sufficient to induce Congress to grant this most just and most rightful claim. Be so good as to understand yourself, upon this subject, with Mr. Benton and Mr. Livingston, who has been polite enough to write to my brother-in-law respecting it, and who will, no doubt, exert himself in his favor, as far as his occupations will permit. I have written to you that which precedes in English,\* in order that you may communicate it to those gentlemen. Have the goodness, dear sir, to exert yourself to obtain this act of justice towards a man so respectable, and whose present unfortunate situation is known to you.

DERBIGNY.

The undersigned certifies that, on the last of September, or first of October, 1810, the chairman of the convention of Florida, at Baton Rouge, informed me that the committee had found in the desk (bureau) of the Spanish Governor, Charles Delassus, thirteen hundred and odd dollars, which Mr. Delassus claimed as his money; and although it was private property, the money was so much wanting for the use of the troops then employed, that they would make use of the same, but that this money should be returned to him with interest; and I verily believe that every cent of it was applied as specified above, and further, am confident that the said Delassus has never received one cent of the aforesaid money. I further certify that Philip Hicky was treasurer at that time.

I further certify that, in the house occupied by said Delassus, there was a strong chest, containing six thousand dollars, supposed to be public money of the Spanish Government, but of which said Delassus claimed a part as being due to him for his pay as Lieutenant Governor at Baton Rouge; and that I was informed that the said sum was likewise employed, by order of the convention, for the same purpose as above stated. Given under my hand, this 2d day of February, 1826.

PHILEMON THOMAS.

Sworn to, and subscribed, before me, one of the justices of the peace of the parish of Jefferson, this 2d day of February, 1826.

N. B. LE BRETON, *J. P.*

I hereby certify that General Philemon Thomas, commander of the Florida conventional troops, took six thousand dollars of the King's money on the morning of the 23d of September, 1810, when he took the fort of

\* This sentence translated from French.

Baton Rouge; and a few days thereafter, said Thomas delivered the aforesaid six thousand dollars to a committee appointed by the said convention, and the said money was made use of for the support of the conventional troops.

Given under my hand, this 17th day of January, 1824.

C. G. JOHNSON.

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BATON ROUGE, October 29, 1810.

*By the committee of the convention of Florida, vested with full powers by that body, resolved, That the money found in the house occupied by Mr. Delassus and among the archives of the Government, at the time of taking possession of the fort of Baton Rouge, be applied to the public use, and that the scrip of this Commonwealth be deposited for the amount as a security to the individuals to whom it may belong for the reimbursement thereof, with an interest of ten per cent. per annum, and that the treasurer of this Commonwealth make the proper dispositions for carrying into effect the said resolution without delay.*

By order of the committee.

JOHN W. JOHNSON, *Chairman.*

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BATON ROUGE, October 24, 1816.

Received from Philip Hicky, Esq., the original of which the foregoing is a true copy, as a voucher for the Secretary of State.

REUBEN KEMPER.

I do hereby certify that the foregoing is a true copy, from a copy, the original having been delivered to Reuben Kemper.

PHILIP HICKY.

I do hereby certify that General Philemon Thomas delivered to a committee of the Florida convention six thousand, which was taken as the King's money, and used for the support of the conventional troops.

Given under my hand, this 15th day of January, 1824.

PHILIP HICKY.

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STATE OF LOUISIANA, }  
*Parish of East Baton Rouge.* }

Personally came before me, the undersigned, justice of the peace in and for the parish aforesaid, John Poret, Esq., and, after being duly qualified according to law, made the following deposition: That, in the year 1810, this deponent was one of the party that gave all the assistance as a militia man, and first sergeant in Captain Philip Hicky's company, and high sheriff of the jurisdiction of Baton Rouge; and this deponent does well recollect, as it came within his knowledge, that the *sum of six thousand dollars was in the hands of the Gard Mijasine or Corigidore. But the money was*

found in the house of the Governor Gilbert Leonard, and that General Philemon Thomas, commander-in-chief at that time, did give his orders to have the money named taken and delivered to the treasurer of the convention; and deponent does believe that the said money was expended for the use of the convention, because deponent had a sum of money to receive from the convention; and the treasurer, James Neilson, Esq., paid deponent, and deponent gave his receipt for the amount; and deponent does well recollect that Benjamin P. Thomas was acting as a staff officer, and deponent received from him orders to take command of a detachment, to search different houses for concealed arms; and deponent executed the orders, and made his return to Benjamin P. Thomas, by order of General Philemon Thomas, commander-in-chief of Florida at that time.

JOHN PORET.

Sworn and subscribed to before me, December 29, 1823.

WRIGHT CAMERON,

*Justice of the Peace in and for the parish aforesaid.*

BATON ROUGE, November 10, 1823.

DEAR SIR: I received a letter from Benjamin P. Thomas, requesting me to furnish you with his account for his services during the convention in Florida, which the convention was bound to pay him, that you may lay it before Congress, to try and have justice done him. He left this country, and his claim has never before been presented. He was commissioned Brigade Major, and acted as such from the 10th of September, 1810, until the 10th of December, and his pay was four dollars per day. I have enclosed you, by my friend, Mr. Henry H. Gurley, whom I beg leave to introduce to you as a man worthy of your friendship, and you will find him a useful member, Benjamin Thomas's account, and my certificate on the back of the same; also, my first and original order given him, and shall get other certificates or depositions, and forward on to you on the same subject. I have petitioned Congress in behalf of myself and men whom I had the honor to command in taking the fort of Baton Rouge, on the 23d of September, 1810, in the morning, a little before day, for six thousand dollars which we took of the King's or public money, and which I prevailed on the men to let the convention have; that they, in a future day, would restore it to us. We delivered the whole up to them, and they put it into the hand of their treasurer, Mr. James Neilson, and the whole was laid out for provisions and other articles for the use of the conventional troops, and we have never received one dollar; neither did I think it prudent to present it to the United States Government until she had settled all her difficulties with the Spanish Government, though often pressed on by my men. Any evidence that may be wanting to prove what I have stated, I can furnish. I ask it as a favor of you, to aid Mr. Gurley in having the same carried into effect. He will show you the petition, and counsel with you on the subject. There appears to be \$105 allowed to me. Who laid it in I do not know, as I never did it myself, nor authorized any person to do it for me, but suppose it was Mr. Kemper, as he has got all the people's money, which he keeps, and could not draw without a power that was left. I know, sir, that, for me to make out an account, I must have stated very

different from such account as that. In the first place, the morning I took the fort, I furnished twenty-five barrels of corn from my farm. I furnished myself for one month with my own waiters and provisions. I paid thirty dollars for a brace of pistols. Last, furnished myself with horses and forage; and while in the Legislature it cost me fifty dollars, and many things that I cannot now recollect, with that of my services, and the risk of my life, for all of which I have never received one cent, and suppose it is now too late, while others have, I see from the list of claims, received three thousand, for what I do not know, nor can I conjecture. However, I am free, and that was my object; but I might as well have had some of the loaves and fishes while they were going, as all the real fatigue and hardship fell to my lot, and those who did but little took all.

I am happy to find that you have defeated my old antagonist. I hope he and Bedigener will never ride and try any more, for neither of them ought ever to have went to Congress, for there is no soundness in them. I have written on to Benjamin Thomas to send a petition, as I presume you may want one, to bring on the business in a proper manner before Congress; but the rules of Congress may be different from our Legislature. If so, it may not be wanting.

I am your friend

And obedient servant,

PHILEMON THOMAS.

GEN. THOMAS METCALF.

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*To the honorable the Senate and House of Representatives of the United States in Congress convened :*

The petition of Philemon Thomas, for himself, and those he had the honor to command, in taking the fort of Baton Rouge, on the morning of the 23d September, 1810,

RESPECTFULLY REPRESENTS :

That the petitioners took six thousand dollars in silver, the King's money, which was the property of your petitioner, and the men that he had the honor to command, as it was a lawful prize. This your petitioner and his men well knew; but knowing that the money would be of great advantage in carrying on and supporting the expedition which they had undertaken, they delivered up the whole of the money to the convention, which was laid out for provisions for the use of the conventional troops, and for which they have never had any compensation whatever. 'Tis true, the Florida Legislature did pass a law, giving the officers and privates land, in lieu of the money: that is to say, 600 acres to myself, and 300 to each private. The American troops having taken the possession, your petitioner, nor his men, have not received one cent, to this day, nor have they ever petitioned for anything, until now, waiting until the United States and Spain had adjusted their difficulties, which is now done. Those statements can be fully substantiated in every point. He, for himself and men, therefore, prays that Congress would take their case under their consideration, and grant them the six thousand dollars, or the land thus given to them by the Florida Legislature. As there was but seventy-three men in the taking the fort, the land would not amount to any great quantity; if



Congress choose to make them any donation for risking their lives, they would prefer the land. He hopes that Congress won't think that your petitioner means to dictate, but merely to lay a true statement before your honorable body, and leave the same to your just decision, and shall wait our fate with patience, be that what it may, believing that Congress will coolly deliberate on the petition, and do, in conscience, what they may think just. Your petitioner, as in duty bound, will ever pray.

PHILEMON THOMAS.

## IN SENATE OF THE UNITED STATES.

MARCH 30, 1830.

Mr. TAZEWELL made the following report :

*The Committee on Foreign Relations, to whom was referred a bill for the relief of Don Carlos Dehault Delassus, have had the same under their consideration, and now beg leave to report :*

That this bill was introduced into the Senate upon leave previously asked and obtained by a member to that effect. It is founded upon a petition which was first presented to the Senate on the 13th of December, 1824, and then referred to the Committee of Claims. This committee afterwards prayed to be discharged from the consideration of the case, and their application was granted by the Senate on the 25th of February, 1825. On the 24th of March, 1826, a motion was made, and leave given to a member to introduce this bill ; which, when so introduced, was again referred to the same committee, together with the petition aforesaid, and sundry documents in relation thereto. The bill was afterwards reported by the committee to whom it had been referred without amendment, and passed the Senate on the 12th of May, 1826, but does not appear to have been acted upon by the House of Representatives. On the 30th of January, 1827, the petition abovementioned was again presented, and referred to the same committee, who, on the 1st of March, 1827, moved to be, and were, discharged from its consideration. At the present session, the same bill was again introduced into the Senate upon leave, and again referred to the Committee of Claims, to which committee it had always been referred previously ; but this committee was afterwards discharged from its consideration, on the 12th of March, and it was then referred to the Committee on Foreign Relations. Such is the history of the proceedings had in this case.

The facts upon which it rests are as follows : The petitioner, previously to and upon the 23d day of September, 1810, was Governor, for the King of Spain, of the fort and district of Baton Rouge. On that day, some of the inhabitants of that region of country rose in insurrection against the Spanish Government, and surprised and took possession of the said fort. At the time of this capture there was found, by the insurgents, in the house of the petitioner, the military chest of the Spanish Government, containing \$6,000 in silver, which money had been sent to the petitioner by the intendant of Pensacola for the purpose of paying the sums due by that

Government to the petitioner and others in its employment, and under his command. There was, also, a private bureau belonging to the petitioner, containing the sum of \$1,333, which was his own individual property. Both these sums of money were taken by the insurgents, and applied by them to the purposes of the provisional Government then established by them, and the petitioner has never been reimbursed any part of either of them.

At the time this transaction took place, there appears to have been due to the petitioner, by the Spanish Government, the sum of \$1,260 12½ for his pay, and upwards of \$600 more for lodging money, or rent of his house as Governor, during one year eight months and seven days. Both of these sums were payable to the petitioner out of the \$6,000 found in the military chest as aforesaid, and he would have been authorized to have deducted the same therefrom, as his private property, if the chest and its contents had not been seized upon by the insurgents as aforesaid. The petitioner, therefore, prays that he may be paid by the United States the aforesaid three sums of money due and belonging to him as aforesaid, with interest thereon from September 23, 1810.

All these facts are sufficiently established by the proofs offered to support them; but no proof has been exhibited to the committee to show that the Government of the United States had any sort of connexion with the acts of the insurgents stated above.

A single view of the case thus presented, rendered it quite unnecessary, in the opinion of this committee, for them to extend their inquiry further into this subject. If Baton Rouge, where this seizure was made, is to be considered as having been within the territorial jurisdiction of the United States at the time of the seizure, then this claim of the petitioner (who was then certainly a Spanish subject) upon the Government of the United States is expressly renounced by the fourth renunciation of the ninth article of the treaty of February 22, 1819, and he is thereby left to the justice and liberality of Spain alone for his indemnification. If, on the contrary, Baton Rouge is to be considered as then being a Spanish Territory, the transaction is nothing else than an insurrectionary movement of Spanish subjects against their own Government; and for indemnity against all such acts the petitioner never had, or could have, any just claims against any other Government.

This committee, therefore, recommend to the Senate that the bill to them referred should be rejected. But, should any one conceive that this bill ought to pass, this committee cannot discern any reason for allowing to the petitioner more than the three sums which he claims, viz: the \$1,333 found in his private bureau, and the two sums of \$1,260 12½ and of \$600, making, together, \$1,860 12½, which was due to him by the Spanish Government, and which he might have properly taken out of the \$6,000 contained in the military chest.

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*Remarks on Mr. Tazewell's report in the case of Delassus.*

The report declares all the facts to be sufficiently proved, and admits the justice of the petitioner's claim for *three* items, to wit: the sum of \$1,333 taken from his private bureau; the sum of \$1,260 12½ due to him for ar-

rearages of pay ; and the sum of \$600 for quarters ; which two last sums were payable out of the \$6,000 in the military chest.

The first item, with the interest, has been paid to the petitioner ; the two remaining items are now claimed, and, in fact, the whole \$6,000, upon the ground that the petitioner was the proper keeper of it, and that it was all due to Spanish officers under his command.

The committee, of which Mr. Tazewell was chairman, recommended a rejection of the whole claim, on the ground of being barred by a stipulation in the treaty of 1819, for the purchase of Florida. In opposition to this recommendation, it may be remarked :

1. That Congress did not choose to consider the claim as barred by that treaty.

2. That the clause in the treaty evidently was not framed in any view of such a case.

3. That the Government of the United States received the whole benefit of the capture of Baton Rouge, has assumed all the expenses of the capture, and rewarded the actors in an enterprise so beneficial to herself.

The facts are these :

That Florida, to the Perdido, was acquired by the treaty of 1803, but possession was refused by Spain, and the ports at Baton Rouge and Mobile remained garrisoned by her troops. The moment Baton Rouge was taken, Governor Claiborne was ordered, by the President of the United States, to take it from the captors, who made peaceable delivery of it to him. The west part of West Florida was immediately after added to the State of Louisiana ; and thus the treaty was carried into effect. Fifty cannon taken at Baton Rouge, a great deal of vacant land, and the jurisdiction and population of a large district, was thus acquired. This was a part of the benefit of the capture to the United States, but not the whole. The moment Baton Rouge was taken, the captors, under the lead of the Kempers, began to organize to take Mobile, to avoid which, by violence, Governor Folch, on the 2d day of December, less than three months after the taking of Baton Rouge, wrote to the United States Government, offering to surrender the possession of Mobile, which proposition ended in a delivery of that town and the country to the Perdido to General Wilkinson. This was the second benefit which the United States received from the capture of Baton Rouge ; and they were, in fact, great and inestimable benefits, and enabled the Government to get all it claimed from Spain, under the treaty of 1803 with France, without violence and without a breach with that power. Of the benefits of this acquisition, Congress was so sensible as to feel itself bound to assume the expenses of the captors, and to reward them for their enterprise. This was done by two acts of Congress ; the first in the year 1814, authorizing the Secretary of State to audit and liquidate these claims, under which act the sum of \$65,588 23 was paid to the captors and those employed by them ; under the second, which passed in the year 1833, the quantity of 1,280 acres of land was granted to General Philemon Thomas, for his services as commander at the time of the capture.

Authentic documents are annexed to establish the truth of all these positions ; and, upon them, it is submitted that the Government of the United States has received all the benefits of the capture of Baton Rouge ; that she has made the act her own ; that she is justly liable to the claim of the petitioner, an ex-Spanish Governor, who has chosen to remain in the United States, who is now an inhabitant of Louisiana, with his family, and is a gen-

tleman of great respectability. It is a clear case of the property of an individual—*his money*—taken for public use. This is clear, so far as is concerned the amount which was then due to Governor Delassus, to wit: the sum of \$1,260 for his pay, and \$600 for his quarters.

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[ Papers referred to. ]

West Florida remained under the dominion of Spain until 1810, though claimed by the United States in virtue of the treaty of cession with France, of the 30th of April, 1803. In 1810, the inhabitants of the country were given to understand, through many respectable and influential citizens of the United States, that so soon as the Spanish authorities should cease to exercise jurisdiction in the Territory, the Government of the United States would occupy it. At this period, the people formed a convention, by permission of the Spanish commandant, under pretence of petitioning the King for redress of grievances. As soon as the convention met, they concerted plans for effecting a change of sovereignty. This was countenanced by the citizens of the United States, and protection of their Government was promised them in case of success. During this period, Gen. Thomas acted a conspicuous part, and was appointed commander-in-chief of the military forces of the country. The convention determined on taking the Spanish fort at Baton Rouge, which mounted fifty pieces of cannon, and was well manned. This duty devolved on Gen. Thomas, who, selecting forty-five or fifty brave and determined men, captured it in September, 1810, with the loss of five or six men. This put them in possession of munitions of war and six thousand dollars, which was in the fort, belonging to the Spanish Treasury, and which was expended in defraying the necessary wants of the public. They formed a Government, maintained themselves against the attempts of Spain to subjugate them, memorialized the President of the United States, who, in December, 1810, took possession of the Territory, through Governor Claiborne, and annexed it to the Orleans Territory.

In 1814, (see U. S. Laws, volume 4, page 691,) the Congress of the United States passed a law, authorizing the Secretary of State to pay the expenses attending this change of sovereignty, *before* as well as after possession of the country by the United States, thus acknowledging a well known fact in that part of the Union, that it was effected in consequence of the evident agency of the United States. Some of the claims for provisions for the troops have been paid under that law, but the petitioners have never received one cent; and during this period, about two months, were in active and dangerous services, and actually defrayed their own expenses. The conventional Government passed a resolution giving them land, but before their titles were perfected, the United States took possession of the country. They are generally poor. Gen. Thomas was an officer of the revolution, and has devoted a long life to the honor of his country, and is now serving in the Senate of Louisiana, and is Major General of the militia of that State. He was, for many years, in public life in Kentucky, and all who know him will agree that a better man, or more devoted patriot, never lived. To these men are the United States indebted for possession



of that country, without waiting the uncertain result of negotiation for a clear and self-evident right, or the loss of blood.

The above facts are known to me, and the statements substantially correct.

W. W. GURLEY.

From every thing I have understood, and partly from my own knowledge, the above statements are correct.

WM. BRENT.

*The Secretary of State to Governor Claiborne.*

DEPARTMENT OF STATE,  
October 27, 1810.

SIR: From the enclosed proclamation of the President of the United States, you will perceive his determination to take possession of the Territory therein specified, in the name and in behalf of the United States, the considerations which have constrained him to resort to this necessary measure, and his direction that you, as Governor of the Orleans Territory, shall execute the same. Of this proclamation, upon your arrival at Natchez, you will, without delay, cause to be printed, in the English, French, and Spanish languages, as may be deemed necessary, and you will cause the same to be extensively circulated throughout the said Territory.

You will immediately proceed, by the nearest and best route, to the town of Washington, in the Mississippi Territory. From the Secretary of War, you will receive an order to the officers commanding the several frontier posts, to afford you such assistance in passing the wilderness and in descending the western waters, as you may require; and, as despatch is very desirable, you are authorized, in case your horses should fail, to procure others at the public expense. After having made, at Washington, the necessary arrangements with Governor Holmes, and with the commanding officer of the regular troops, you will, without delay, proceed into the said Territory, and, in virtue of the President's proclamation, take possession of the same in the name and behalf of the United States.

As the district, the possession of which you are directed to take, is to be considered as making part of the Territory of Orleans, you will, after taking possession, lose no time in organizing the militia, to prescribe the bounds of parishes, to establish parish courts, and finally, to do whatever your legal powers, applicable to the case, will warrant, and may be calculated to maintain order; to secure to the inhabitants the peaceable enjoyment of their liberty, property, and religion; and to place them, as far as may be, on the same footing with the inhabitants of the other districts under your authority. As far as your powers may be inadequate to these and other requisite objects, the Legislature of Orleans, which it is understood will soon be in session, will have an opportunity of making further provisions for them, more especially for giving, by law, to the inhabitants of the said Territory, a just share in the representation in the General Assembly; it being desirable that the interval of this privation should not be prolonged beyond the unavoidable necessity of the case.

If, contrary to expectation, the occupation of this Territory on the part of the United States should be opposed by force, the commanding officer of

the troops on the Mississippi will have orders from the Secretary of War to afford you, upon your application, the requisite aid ; and, should an additional force be deemed necessary, you will draw from the Orleans Territory, as will Governor Holmes from the Mississippi Territory, militia in such numbers and in such proportions from your respective Territories, as you and Governor Holmes may deem proper. Should, however, any particular place, however small, remain in possession of a Spanish force, you will not proceed to employ force against it, but make immediate report thereof to this department.

You will avail yourself of the first favorable opportunities that may occur to transmit to the several governors of the Spanish provinces in the neighborhood, copies of the President's proclamation, with accompanying letters of a conciliatory tendency.

To defray any reasonable expenditures which may necessarily attend the execution of these instructions, the President authorizes you, having due regard to economy, to draw for a sum not exceeding, in any event, \$20,000.

From the confidence which the President *justly* has in your own judgment and discretion, he is persuaded that, in the execution of this trust, as delicate as it is important, your deportment will be temperate and conciliatory. Such a line of conduct towards the inhabitants is prescribed as well by policy as justice.

You will, it is expected, be fully sensible of the necessity not only of communicating every important event that may occur in the progress of this business, but of transmitting a letter, whatever may be its contents, by every mail to this city.

I have the honor to be, &c.,

R. SMITH.

WILLIAM C. C. CLAIBORNE, Esq.

*Gov. Folch to Mr. Smith, Secretary of State.*

[TRANSLATION.]

MOBILE, December 2, 1810.

SIR : I will not detain myself, in giving to your excellency information relative to the letter which I directed to his excellency Governor Holmes, being persuaded that it will be in the hands of your excellency long before this ; but I will add to its contents, for your government, that I have decided on delivering this province to the United States, under an equable capitulation, provided I do not receive succor from the Havana, or Vera Cruz, during the present month ; or that his excellency the Marquis of Someruelos, (on whom I depend,) should not have opened directly a negotiation on this point.

The incomprehensible abandonment in which I see myself, and the afflicted situation to which this province sees itself reduced, not only authorize me, but force me to have recourse to this determination, the only one to save it from the ruin which threatens it.

The United States are also authorized to accept it ; for as the disturbances which now afflict this province, so near to them, must increase ever day,

they cannot but have an influence on their tranquillity, an object which merits the first care of every Government.

The inhabitants of Baton Rouge may figure to themselves many motives which may (in their conception) justify the determination they have adopted; but they cannot produce even a single one, which can make tolerable the tyrannical, illegal, and unjust obstinacy with which they insist that the other districts should subject themselves to their will.

The United States, which profess the exercise of equity, cannot exempt themselves from taking part with the party unjustly oppressed. In this belief, I recur to its Executive, through the medium of your excellency, supplicating him that he will please to send orders to the commandant of Fort Stoddart, that he should assist me with the troops which he has under his orders, for the purpose of forcing the party under the command of Reuben Kemper to retire within the limits of the district of Baton Rouge; intimating to him, that if in future he should repeat his incursions into the district of Mobile and Pensacola, the troops of the United States, joined to the Spanish troops, will use force to keep them back.

The districts have the more reason to expect from the rectitude of the United States the assistance which I ask, as the party which Kemper commands had been recruited, armed, and provisioned within the limits of their sovereignty.

At the same time, if my proposition is accepted, orders may be given authorizing some person to treat with me, for regulating the evacuation of the province, and what ought to precede it.

I conclude by assuring your excellency of my consideration and respect.

God preserve your excellency many years.

VICENTE FOLCH.

His excellency ROBERT SMITH,  
*Secretary of State, Washington.*

(Referred to in the preceding letter.)

*By the President of the United States of America.*

#### A PROCLAMATION.

Whereas, the territory south of the Mississippi Territory and eastward of the river Mississippi, and extending to the river Perdido, of which possession was not delivered to the United States, in pursuance of the treaty concluded at Paris on the 30th of April, 1803, has, at all times, as is well known, been considered and claimed by them, as being within the colony of Louisiana conveyed by the said treaty, in the same extent that it had in the hands of Spain, and that it had when France originally possessed it:

And whereas, the acquiescence of the United States in the temporary continuance of the said territory under the Spanish authority was not the result of any distrust in their title, as has been particularly evinced by the general tenor of their laws, and by the distinction made in those laws between that territory and foreign countries, but was occasioned by their conciliatory views, and by a confidence in the justice of their cause, and in the success of candid discussion and amicable negotiation with a just and friendly power:

And whereas, a satisfactory adjustment, too long delayed, without the fault of the United States, has for some time been entirely suspended by events over which they had no control : And whereas, a crisis has at length arrived, subversive of the order of things under the Spanish authorities, whereby a failure of the United States to take the said territory into its possession may lead to events ultimately contravening the views of both parties, whilst, in the mean time, the tranquillity and security of our adjoining territories are endangered, and new facilities given to violators of our revenue and commercial laws, and of those prohibiting the introduction of slaves :

Considering, moreover, that, under these peculiar and imperative circumstances, a forbearance on the part of the United States to occupy the territory in question, and thereby guard against the confusions and contingencies which threaten it, might be construed into a dereliction of their title, or an insensibility to the importance of the stake ; considering that, in the hands of the United States, it will not cease to be a subject of fair and friendly negotiation and adjustment ; considering, finally, that the acts of Congress, though contemplating a present possession by a foreign authority have contemplated, also, an eventual possession of the said territory by the United States, and are accordingly so framed as, in that case, to extend in their operations to the same :

Now be it known that I, JAMES MADISON, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite that possession should be taken of the said territory, in the name and behalf of the United States.

William C. C. Claiborne, Governor of the Orleans Territory, of which the said territory is to be taken as a part, will accordingly proceed to execute the same, and to exercise over the said territory the authorities and functions legally appertaining to his office. And the good people inhabiting the same are invited and enjoined to pay due respect to him in that character, to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the full enjoyment of their liberty, property, and religion.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the City of Washington, the 27th day of October, A. D. 1810, and in the 35th year of the independence of the said United States.

JAMES MADISON.

By the President :

R. SMITH,

Secretary of State.

*Act of April 18, 1814.*

“ That the Secretary of State be, and he is hereby, directed to liquidate, according to the principles of justice and equity, all the claims of the inhabitants of the late province of West Florida, now included within the limits of the State of Louisiana, or of the Mississippi Territory, for advances by them made *for the use and benefit of the United States, prior*



to and since the taking possession of the said portion of the late province of West Florida by the United States."

[This act recognises that the expenses of the capture of Baton Rouge were for the benefit of the United States, and the sum of \$62,356 was paid to the members of the convention, or to persons to whom the convention was indebted, for services or supplies, under its provisions.]

*"An act granting to General Philemon Thomas, of Louisiana, a tract of land, in consideration of the military services rendered by him in taking possession of that portion of West Florida included in the district of Baton Rouge.*

"That Major General Philemon Thomas be, and he is hereby, authorized to enter, without payment, at the proper land office, on any of the public lands within the State of Louisiana, the quantity of 1,280 acres of land: *Provided*, That the same shall be located in tracts of not less than 640 acres, according to legal sub-divisions."

DEPARTMENT OF STATE,  
Washington, April 22, 1824.

SIR: I have the honor, herewith, to return the papers which Mr. Rich, by direction of the committee, transmitted to this office, in the case of Philemon Thomas, who claims, in behalf of himself and his associates, repayment from the United States of a sum of money, \$6,000, which he alleged to have taken upon the reduction of the fort of Baton Rouge, on the 23d September, 1810, and which he states to have been good and lawful prize, *on the ground of having applied the whole of it to the use of and for the support of the conventional troops engaged in that and similar enterprises*, and to send for the information of the committee the subjoined copy of a report from the 5th Auditor of the Treasury, to whom I referred the letter from Mr. Rich, with its enclosures, together with a copy furnished by him "of all the claims which the late convention of Florida" transmitted to his office, as being those alone which, in "the opinion of the convention," ought to be paid by "the United States." In this list there is no claim of Philemon Thomas, excepting one of small amount for conventional services.

The act of 18th of April 1814, "to authorize the" Secretary of State to liquidate certain claims therein "mentioned," to which the committee are referred as having settled the principle on which this claim is founded, was, although general in its expressions, a personal trust, confided to the Secretary of State of that period, and has been considered as long since executed. As it vests a high and unusual discretionary power in the Secretary of State, I have never considered myself authorized to act under it, except as directed by the President, to whom it had been originally given.

In the year 1819, an account was settled at the Treasury, with Col. Reuben Kemper, as the agent of all the claimants under the West Florida convention. The claim of Col. Thomas was not included in that settle-

ment, perhaps because, as appears by the petition, it had been ostensibly provided for by the convention itself. It was not included among the claims, the payment of which, by the United States, was recommended by the convention.

It is unnecessary to add that the appropriations formerly made by law, for defraying the expenses incident to the Government established by the convention of West Florida, have been for a long time entirely exhausted by actual payments, or the balances carried to the surplus fund.

I have the honor to be, respectfully,

Sir, your obedient, humble servant,

JOHN QUINCY ADAMS.

LEWIS WILLIAMS,

*Chairman of the Committee of Claims,  
of the House of Representatives.*

FIFTH AUDITOR'S OFFICE,  
March 24, 1824.

The 5th Auditor, to whom the enclosed papers in relation to a claim of Philemon Thomas were referred, begs leave, for the information of the Secretary of State, to enclose a copy of all the claims which the late convention of West Florida transmitted to this office, as being those alone which, in the opinion of the convention, ought to be paid by the United States. In this list there is no claim of Philemon Thomas, excepting one of small amount for conventional services.

The paper enclosed, bearing date at Baton Rouge, October 29, 1810, and signed by John W. Johnson, chairman, is a true copy of one presented at this office by Col. R. Kemper, who acted as agent for the claimants generally, but who preferred no claim under it.

OFFICE OF FIFTH AUDITOR,  
April 12, 1838.

S. Pleasonton presents his compliments to Col. Benton, and sends him enclosed a list of all the claims against the late convention of West Florida, as certified by certain members of that convention, and laid before the Department of State by Col. Reuben Kemper, on which S. P. does not perceive the claim of Philemon Thomas for \$6,000. The papers received from Col. Benton, are herewith returned.



...of the ... by the ... it had been ...  
provided for by the ... It was not included among the  
claims the payment of which, by the United States, was recommended by  
the convention.

It is also ... that the appropriations ... made by law,  
for the ... the expenses incident to the Government established by the  
convention ... West Florida, have been for a long time entirely exhausted  
by other payments on the balances carried to the surplus fund.

I have the honor to be, respectfully,

Sir, your obedient servant,

JOHN QUINCY ADAMS.

JOHN QUINCY ADAMS

Chairman of the Committee of Claims,

of the House of Representatives.

Private Anderson's Certificate

March 24, 1834.

I, John N. Johnson, to whom the enclosed papers in relation to a claim  
of William Thomas were referred, beg leave, for the information of the  
Secretary of State, to enclose a copy of all the claims which the late con-  
vention of West Florida transmitted to this office, as being those alone  
which, in the opinion of the convention, ought to be paid by the United  
States. In this list there is no claim of William Thomas, excepting one  
which is made on conventional articles.

The paper enclosed, bearing date of Baton Rouge, October 23, 1810,  
is a true copy of one presented to John N. Johnson, chairman, is a true copy of one presented  
to John N. Johnson, who acted as agent for the claimant  
at the time he presented no claim under it.

George W. Fisher, Assistant

April 12, 1833.

I, George W. Fisher, do hereby certify to Col. Jackson and send him  
the enclosed papers in relation to the late convention of West Florida,  
as being those which were transmitted to this convention, and that before the  
convention of West Florida, at Baton Rouge, which J. P. does not  
contain the claim of William Thomas for \$50,000. The papers  
transmitted to Col. Jackson are herewith referred.